



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,605	01/24/2002	Steven Yellin Schondorf	201-0378 FAM	9340
28549	7590	07/25/2006	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			BROADHEAD, BRIAN J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,605

Applicant(s)

SCHONDORF ET AL.

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,6,8,9,12-15 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,6 and 22-26 is/are allowed.
- 6) ☒ Claim(s) 7-9 and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 8, 23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muraoka, 6175794, in view of Turnbull et al., 2002/0158805.

3. Muraoka discloses a controller determining when to deploy a restraint, an indicator coupled to the controller for indicating that the RCM has been on a vehicle that has been involved in a collision, until such time when the RCM is serviced or replaced, and sensing a collision in figure 4, lines 7-8, on column 2, lines 55-65, on column 1, and lines 45-50, on column 7. Muraoka does not disclose storing deployment time. Turnbull et al. teaches storing deployment time in paragraph 119. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the time stamping of Turnbull in the invention of Muraoka because such modification would allow reconstruction of vehicle accidents as taught by Turnbull.

4. Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muraoka in view of Turnbull as applied to claims 7, 8, 23, and 26 above, and further in view of Swart et al., 4933570.

5. Muraoka and Turnbull disclose the limitations as set forth above. They do not disclose storing the restraint power draw. Swart et al. teaches storing the restraint

Art Unit: 3661

power draw on lines 16-40, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Swart et al. in the invention of Muraoka and Turnbull because such modification would enable reconstruction of vehicle accidents by further fault diagnosis as taught by Swart et al. on lines 30-35, on column 2.

6. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull et al., 2002/0158805, in view of Byon, 5847472

7. Turnbull discloses a memory device for storing a deployment time of a deployment device in paragraph 119; and a controller for storing the time in figure 6. Turnbull does not disclose storing operating time. Byon teaches storing operating time in lines 8-12, on column 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the operating time of Byon in the invention or Turnbull because such modification would provide more information of accident reconstruction.

Allowable Subject Matter

8. Claims 4, 6, 12, 13, 14, 15, and 27 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose comparing the deployment time with a fault time and having an indicator indicate when the deployment time matches the fault time.

Response to Arguments

10. Applicant's arguments with respect to claims 2 and 22 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's arguments filed 2-10-06 have been fully considered but they are not persuasive. The argument that Muraoka teaches away is not convincing since on lines 9-13, on column 8, Muraoka discloses using a fuse as a non-volatile storage means. This meets the limitations of the claims. The whole point of Muraoka is to prevent re-use, in the background of the invention other inventions that use non-volatile memory are discussed and to prevent re-use a ban on writing is used.

12. The arguments with respect to Byon are not convincing. Byon teaches storing a plethora of times. More specifically, on lines 5-20, on column 7, the restraint expansion time is stored in memory. The operating time of the RCM is never clear defined in the specification and is given is broadest reasonable interpretation. Byon reads on this limitation by recording the time the collision is first detected till the control signal is output to the control circuit.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

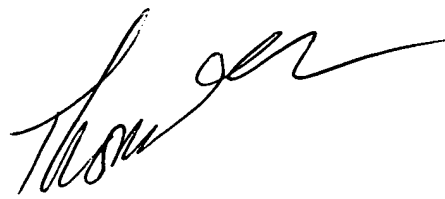
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BJB


THOMAS BLACK
SUPERVISORY PATENT EXAMINER